

**FIFTH DAY**  
(Friday, August 23, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Bivins, Carriker, Ratliff.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, hear our prayer this morning for these who shoulder the responsibility for the ongoing of State government and the quality of service to be delivered to the citizens of our State.

We give thanks for life's blessings and acknowledge that all we have comes from Your graciousness. Bless our daily occupations and if adversity be better, then make us patient and strong in trial.

We pray for these assembled as they continue to use their individual skills in resolving the agenda to a successful conclusion. In Your name. Amen.

On motion of Senator Armbrister and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Bivins was granted leave of absence for today on account of important business on motion of Senator Armbrister.

Senator Ratliff was granted leave of absence for today on account of illness in the family on motion of Senator Armbrister.

Senator Carriker was granted leave of absence for today on account of important business on motion of Senator Armbrister.

**CO-AUTHORS OF SENATE BILL 39**

On motion of Senator Moncrief and by unanimous consent, Senators Glasgow, Lyon, Parker, Ellis, Tejeda, Brooks, Zaffirini, Turner, Whitmire, Johnson, Truan, Krier, Haley, Henderson, Dickson, Montford, Lucio, Sibley, Barrientos, Green and Leedom will be shown as Co-authors of S.B. 39.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 2**

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.J.R. 2.

**CO-AUTHOR OF SENATE BILL 20**

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 20.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.C.R. 12** by Barrientos Administration  
Requesting the lieutenant governor and the speaker of the house of representatives to reestablish the Texas Transition Task Force.

**S.B. 61** by Harris of Tarrant Intergovernmental Relations  
Relating to local government purchasing.

**S.B. 62** by Barrientos Economic Development  
Relating to the creation of state limited banking associations.

**S.B. 63** by Green Criminal Justice  
Relating to a prohibition against the placement of a correctional facility in close proximity to a school, child-care facility, residence, or house of worship.

**MESSAGE FROM THE HOUSE**

House Chamber  
August 23, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 1**, Honoring Dr. Howard Arthur Britton.

**H.C.R. 2**, Designating October 1991 and October 1992 to be Down Syndrome Months in Texas.

**H.C.R. 3**, Commending the Reserve Officers Training Corps on the occasion of its 75th anniversary.

**H.C.R. 4**, Commending the Alamo Interstitial Cystitis Association for its efforts to assist IC sufferers and recognizing the month of October 1991 as Interstitial Cystitis Awareness Month in Texas.

**S.C.R. 3**, In memory of Dollie Bowron.

**S.C.R. 4**, Congratulating IBM on the occasion of the 25th anniversary of its Austin facility.

**S.C.R. 6**, Expressing admiration and respect for the life and memory of Florence Anderson Clark for her untiring efforts in behalf of the Daughters of the American Revolution.

Respectfully submitted,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

**H.C.R. 8**

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
August 22, 1991

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS  
41-2506**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SECOND TEXAS LEGISLATURE IN SECOND CALLED SESSION:

Pursuant to Article III, Section 40, and Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby submit the following matter for consideration by the Seventy-second Texas Legislature in its Second Called Session:

Legislation providing for the temporary prohibition of the drilling of certain artesian water wells.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 22nd day of August, 1991.

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS  
41-2507**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SECOND TEXAS LEGISLATURE IN SECOND CALLED SESSION:

Pursuant to Article III, Section 40, and Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby submit the following matter for consideration by the Seventy-second Texas Legislature in its Second Called Session:

Legislation providing for the appropriation and use of the proceeds of state general obligation bonds that have previously been approved by the voters to the Texas Department of Mental Health and Mental Retardation and the Texas Youth Commission and the issuance of these bonds by the Texas Public Finance Authority.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 22nd day of August, 1991.

/s/Ann W. Richards  
Governor of Texas

Attest:

/s/John Hannah, Jr.  
Secretary of State

#### **SENATE RESOLUTION 34**

Senator Parker offered the following resolution:

**S.R. 34**, Commending Mrs. Joyce Bauman Perkins of Beaumont on being one of the first Texas teachers to receive the Christa McAuliffe Fellowship award presented by the National Foundation for the Improvement of Education and the Christa McAuliffe Institute for Educational Pioneering.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Parker, the resolution was adopted by a viva voce vote.

**(Senator Brooks in Chair)**

#### **GUEST PRESENTED**

Senator Parker was recognized and introduced to the Senate Mrs. Joyce Bauman Perkins.

The Senate welcomed Mrs. Perkins and the President presented her with an enrolled copy of **S.R. 34**.

#### **SENATE RESOLUTION 35**

Senator Parker offered the following resolution:

**S.R. 35**, Commending Mrs. Kay Nolte Abernathy of Beaumont on being one of the first Texas teachers to receive the Christa McAuliffe Fellowship award presented by the National Foundation for the Improvement of Education and the Christa McAuliffe Institute for Educational Pioneering.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Parker, the resolution was adopted by a viva voce vote.

#### **GUEST PRESENTED**

Senator Parker was recognized and introduced to the Senate Mrs. Kay Nolte Abernathy.

The Senate welcomed Mrs. Abernathy and the President presented her with an enrolled copy of **S.R. 35**.

#### **CAPITOL PHYSICIAN**

Senator Armbrister was recognized and presented Dr. J. C. Burns of West Columbia as the "Doctor for the Day."

The Senate welcomed Dr. Burns and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 41**, Relating to the governing board, duties, and executive director of the Texas Department of Commerce and to economic development, including the community development block grant program, certain industries, and the allocation of reservations for certain private activity bonds.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 41** as follows:

(1) In SECTION 55, Section 151.429(g) (Committee Printing page 23, line 11), insert "and the Legislative Budget Board" between "comptroller" and "whether".

(2) In SECTION 56, Section 171.1015(g) (Committee Printing page 23, line 25), insert "to the comptroller and the Legislative Budget Board" between "Commerce" and "are entitled".

The amendment was read and was adopted by a viva voce vote.

Senator Glasgow offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 41** by adding a new section to be appropriately numbered and to read as follows:

SECTION \_\_\_\_\_. A municipality that is ineligible due to population as enacted under Chapter 223, Acts of the 72nd Legislature, 1991 to adopt an additional sales and use tax to reduce property taxes may submit a resolution to the Texas Department of Commerce requesting that the municipality be authorized to enact such provisions. Upon the receipt of a resolution by the governing body of a municipality, the department shall designate the municipality as eligible to adopt the sales and use tax as provided by law.

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.S.B. 41** by adding the following appropriately numbered section and by renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. (a) Section 7(c)(2)(A), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), as amended by Section 2, Chapter 789 and Section 2, Chapter 686, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(A) With respect to any benefit year, the amount of benefit payments paid to a claimant shall be charged to the account of the claimant's base period employer or employers. When a benefit payment is made to a claimant who has two or more employers in his base period the chargeback to each employer shall be allocated in direct proportion to the percentage of the claimant's total benefit wage credits paid by such employer. This process may be designated as

charging benefits to an employer's account, and benefits thus charged may be designated as chargebacks.

The chargebacks of each employer for a given calendar quarter shall be the benefits paid to all of his employees or former employees during such quarter; provided, that the chargebacks of an employer shall not include benefit payments which are based on wage credits of an employee or former employee, if the Commission finds that the employee's last separation from such employer's employment, prior to the benefit year in conjunction with which such base period was established, was (i) a separation required by a Federal or a Texas statute or a Texas municipal ordinance; or (ii) a separation for which a disqualification under Subsection (a), (b), (j), or (k) of Section 5 of this Act would have been imposed if such employer's employment of the employee or former employee had been the employee's last work; (iii) a separation with respect to which a disqualification was imposed under Subsection (a), (b), (j), or (k) of Section 5 of this Act; (iv) a separation caused by a medically verifiable illness of the claimant or the claimant's minor child; [or] (v) a separation based on a natural disaster that results in a disaster declaration by the President of the United States under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5221 et seq.) if the employee would have been entitled to unemployment assistance benefits under Section 410, The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits; [or] (vi) a separation as a result of an individual's resigning partial employment to accept other employment that the individual reasonably believes will increase the individual's weekly wage; or (vii) a separation caused by a natural disaster, fire, flood, or explosion, as determined by the Texas Department of Commerce, that causes at least 200 employees to be separated from one employer's employment; and provided further that for the purpose of this paragraph the term "last separation" shall, with respect to an employee whose initial determination disqualified him for benefits under subsection 5(d) of this Act, mean his next later separation from such employer's employment.

(b) Except as provided by Subsection (c) of this section, Section 7(c)(2)(A), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), as amended by Subsection (a) of this section, applies only to an initial claim for unemployment compensation benefits that is filed with the Texas Employment Commission on or after the effective date of this section.

(c) An employer assessed chargebacks that would not have been assessed to that employer's account if the amendments made by this section to Section 7(c)(2)(A), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), had been in effect on June 1, 1991, may apply to the Texas Employment Commission for a recalculation of the employer's chargebacks. The commission shall apply Section 7(c)(2)(A), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), as amended by Subsection (a) of this section, to recalculate the employer's chargebacks and shall use the recalculated chargebacks in computing that employer's unemployment compensation tax rate for all subsequent tax years, beginning with 1992.

The amendment was read.

Senator Glasgow moved to table the amendment.

The motion to table was lost by the following vote: Yeas 7, Nays 20.

Yeas: Brown, Glasgow, Lucio, Lyon, Moncrief, Montford, Turner.

Nays: Armbrister, Barrientos, Brooks, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Rosson, Sibley, Sims, Tejeda, Truan, Whitmire, Zaffirini.

Absent: Parker.

Absent-excused: Bivins, Carriker, Ratliff.

Question recurring on the adoption of Floor Amendment No. 3, the amendment was adopted by a viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Parker.

Absent-excused: Bivins, Carriker, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate her godson, David Kazen, a recent graduate of Texas Tech University, and his father, Abraham "Chic" Kazen III.

The Senate welcomed these guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 45 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 45, Relating to the transfer of the State Property Tax Board's remaining duties, functions, authorities, and assets to the Comptroller's Office.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 45 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Parker.

Absent-excused: Bivins, Carriker, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 2 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.J.R. 2**, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 2 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Carriker, Ratliff.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 20 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 20**, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 20** by striking **SECTION 6** in its entirety and substituting in lieu thereof the following:

**SECTION 6.** This Act takes effect immediately, except Sections 1, 3, 4, and 5 of this Act take effect when the constitutional amendment proposed by the 72nd Legislature, 2nd Called Session, 1991 providing for the issuance of general obligation bonds to finance educational loans to students, is approved by the voters. If that proposed constitutional amendment is not approved, Sections 1, 3, 4, and 5 of this Act have no effect and legislation on this subject may not again be considered by a subsequent Called Session of the 72nd Legislature.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 20 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Carriker, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 19 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 19**, Relating to the regulation of artesian wells and of the use of water from artesian wells.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 19, page 2, by striking Subsection (e) in its entirety and substituting the following:

(e) The commission may grant for a well an exemption from the prohibition provided by Subsection (d) of this section for any beneficial use that does not waste water. The commission by rule may delegate the authority to grant exemptions under this subsection to a local water district.

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 19 by adding a new SECTION 4 as follows and renumbering the subsequent section accordingly:

**SECTION 4.** Nothing in this Act shall limit the authority of local water districts that have jurisdiction over the Edwards Aquifer to control waste.

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend C.S.S.B. 19 by striking SECTION 3 in its entirety and substituting the following:

**SECTION 3.** (a) The Senate Natural Resources Committee or the House Natural Resources Committee may direct the Texas Water Commission to assist in a study of water use from the Edwards Aquifer. The study shall be conducted in cooperation with local water districts that have jurisdiction over the Edwards Aquifer to determine alternative methods to moderate excessive uses of water from artesian wells including replenishment fees, pumping quotas, or other methods. The

Texas Water Commission shall file a report of the results of this study with the governor, lieutenant governor, and the speaker of the house of representatives on or before January 1, 1993.

(b) This section expires January 15, 1993.

The amendment was read.

On motion of Senator Truan and by unanimous consent, the amendment was withdrawn.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **C.S.S.B. 19** by deleting SECTION 3 of the bill in its entirety and renumbering subsequent sections appropriately.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 19 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 19** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Carriker, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider **H.B. 62** tomorrow.

**RECESS**

On motion of Senator Brooks, the Senate at 11:58 a.m. took recess until 4:00 p.m. today.

**AFTER RECESS**

The Senate met at 4:00 p.m. and was called to order by Senator Brooks.

**RECESS**

On motion of Senator Harris of Dallas, the Senate at 4:10 p.m. took recess until 7:00 p.m. today.

**AFTER RECESS**

The Senate met at 7:00 p.m. and was called to order by Senator Brooks.

**MESSAGE FROM THE HOUSE**

House Chamber  
August 23, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 2**, Relating to the apportionment of the state into State Board of Education districts. (As substituted and amended)

**S.B. 4**, Relating to the creation of the Texas Major Employer Development Corporation and the issuance of revenue bonds for major industrial and manufacturing activities.

**H.B. 93**, Relating to the efficient operation of the state criminal justice system, including the punishment of offenses, probation and parole, criminal justice services, the issuance of general obligation bonds for criminal justice facilities, and an emergency appropriation to the Texas Department of Criminal Justice for projects related to criminal justice facilities.

**H.C.R. 10**, Designating September 11, as 9-1-1 Day in Texas and commending the 9-1-1 emergency telephone program.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 93**, To Committee on Finance.

#### SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider **H.B. 93** today.

#### PERMISSION TO MEET GRANTED

On motion of Senator Montford and by unanimous consent, the Committee on Finance was granted permission to meet while the Senate was in session.

#### MESSAGE FROM THE HOUSE

House Chamber  
August 23, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 64**, Relating to the appropriation and allocation of bonding construction funds.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 64**, To Committee on Finance.

**CO-SPONSOR OF HOUSE BILL 64**

On motion of Senator Brooks and by unanimous consent, Senator Rosson will be shown as Co-sponsor of **H.B. 64**.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider **H.B. 64** today.

**(Senator Henderson in Chair)**

**AT EASE**

Senator Henderson at 7:14 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Henderson at 7:25 p.m. called the Senate to order as In Legislative Session.

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Montford submitted the following report for the Committee on Finance:

**H.B. 64****RECESS**

On motion of Senator Montford, the Senate at 7:28 p.m. took recess until 8:00 p.m. today.

**AFTER RECESS**

The Senate met at 8:00 p.m. and was called to order by President Pro Tempore, Senator Henderson.

**AT EASE**

Senator Henderson at 8:01 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Henderson at 8:18 p.m. called the Senate to order as In Legislative Session.

**RECESS**

On motion of Senator Montford, the Senate at 8:18 p.m. took recess until 9:00 p.m. today.

**AFTER RECESS**

The Senate met at 9:00 p.m. and was called to order by Senator Ellis.

**MESSAGE FROM THE HOUSE**

House Chamber  
August 23, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 39**, Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, the transfer of responsibility for the personal property accounting system from the commission to the comptroller, and the acquisition by the commission and other entities of property and services; providing penalties.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

**AT EASE**

Senator Ellis at 9:07 p.m. announced that the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Henderson at 9:17 p.m. called the Senate to order as In Legislative Session.

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Montford submitted the following report for the Committee on Finance:

**C.S.H.B. 93**

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 39**, To Committee on Administration.

**SENATE RULE 11.11 SUSPENDED**

Senator Haley moved that Senate Rule 11.11 and all necessary rules be suspended in order that the Committee on Administration might meet to consider **H.B. 39** today.

The motion prevailed by the following vote: Yeas 16, Nays 4, Present-not voting 1.

Yeas: Armbrister, Barrientos, Brooks, Ellis, Green, Haley, Johnson, Moncrief, Montford, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Brown, Harris of Dallas, Henderson, Krier.

Present-not voting: Parker.

Absent: Dickson, Glasgow, Harris of Tarrant, Leedom, Lucio, Lyon, Sibley.

Absent-excused: Bivins, Carriker, Ratliff.

#### MEMORIAL RESOLUTIONS

S.R. 37 - By Montford: In memory of John E. Birdwell II.

S.R. 40 - By Glasgow: In memory of Janice Elizabeth Goodson Onstot of Brownwood and Dallas.

S.R. 58 - By Haley: In memory of Marcellus White of Shelby County.

S.R. 61 - By Glasgow: In memory of David Farrington of Fort Worth.

S.R. 62 - By Glasgow: In memory of Hiram Monroe Helm, Sr., of Decatur.

S.R. 63 - By Glasgow: In memory of J. D. Hooten of White Settlement.

#### CONGRATULATORY RESOLUTIONS

H.C.R. 2 - (Moncrief): Designating October 1991 and October 1992 to be Down Syndrome Months in Texas.

H.C.R. 3 - (Carriker): Commending the Reserve Officers Training Corps on the occasion of its 75th anniversary.

S.C.R. 11 - By Brooks: Extending congratulations to Jorge Rincones of Galveston on becoming a United States citizen.

S.C.R. 13 - By Haley: Granting permission for James Morris and Jeanne McLean Morris to be interred in the State Cemetery.

S.C.R. 14 - By Dickson: Paying tribute to Dr. Bobby E. Parker who has served with great distinction as President and Chief Executive Officer of the University of Mary Hardin-Baylor since 1971 and congratulating him on being named Chancellor of the university.

S.R. 38 - By Ellis: Recognizing the South Union/Madison Square Community on the joyous occasion of its Ninth Annual Neighborhood Block Party.

S.R. 39 - By Glasgow: Recognizing Mary Gonzales of Breckenridge as an outstanding alumna of the Job-Training Partnership Act program.

S.R. 41 - By Brooks: Recognizing Arlan Varner for his 30 years of loyal service to the State of Texas.

S.R. 42 - By Dickson: Paying tribute to Dr. Bobby E. Parker who has served with great distinction as President and Chief Executive Officer of the University of Mary Hardin-Baylor since 1971 and congratulating him on being named Chancellor of the university.

S.R. 43 - By Dickson: Commending Dr. Bobby Jack Estes of Abilene for his magnificent contributions to the medical profession and to the people of Texas.

S.R. 44 - By Dickson: Honoring Mr. John Walter Holtermann, Sr., of San Marcos on the occasion of his 80th birthday.

S.R. 45 - By Dickson: Extending congratulations to Mr. and Mrs. Doyle Condra on the occasion of their 50th wedding anniversary.

S.R. 46 - By Dickson: Extending congratulations to the Abilene Young Women's Christian Association on its splendid accomplishments over the past 72 years.

**S.R. 47 - By Dickson:** Declaring September 8, 1991, as Texas Literacy Day and commending all volunteers who are donating their time and energy to adult literacy programs.

**S.R. 48 - By Tejeda:** Extending congratulations to Arnim Way of Roosevelt High School on achieving the rank of Eagle Scout.

**S.R. 49 - By Tejeda:** Extending congratulations to Michael Sumko from Cole Junior/Senior High School in San Antonio on achieving the rank of Eagle Scout.

**S.R. 50 - By Tejeda:** Extending congratulations to Ian Maclure from Roosevelt High School in San Antonio on achieving the rank of Eagle Scout.

**S.R. 51 - By Tejeda:** Extending congratulations to Terry Way of Krueger Middle School on achieving the rank of Eagle Scout.

**S.R. 52 - By Green, Whitmire:** Recognizing The Honorable Craig A. Washington for his outstanding efforts on behalf of the working men and women of America.

**S.R. 53 - By Henderson:** Extending congratulations to Eric Gilless of Troop 900 on achieving the rank of Eagle Scout.

**S.R. 54 - By Henderson:** Honoring the 192nd Supply Company Army Reserve Unit for its exemplary service to the United States.

**S.R. 55 - By Rosson:** Recognizing the National Park Service on the occasion of its 75th anniversary.

**S.R. 56 - By Turner:** Recognizing Gibbs Brothers and Company of Huntsville on the occasion of its 150th anniversary.

**S.R. 57 - By Turner:** Paying tribute to the first colonists who crossed the Brazos River in 1821 in their travels along La Bahia Road.

**S.R. 59 - By Turner:** Extending congratulations to the City of Bryan for being named one of the most livable cities in the United States.

**S.R. 60 - By Tejeda:** Extending congratulations to Burdette Pixton of Cole Junior/Senior High School on achieving the rank of Eagle Scout.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 9:30 p.m. adjourned until 9:45 a.m. tomorrow.

#### **SIXTH DAY** (Saturday, August 24, 1991)

The Senate met at 9:45 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.